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Previous References

Mel 247-09 Sls 1-5

(Mamel)

Serial Nos 1

Later References

Cls 151 30-1 4

General and Revenue Secretariat.

Serial Nos. One

Part B for April 28

SUBJECT

Crediting the Mamel Fund of fines imposed in cases falling in and outside Mamel Regulation

To The Municipal Commissioner B'lore
The Dt Magistrate B'lore
The Registrar Chief Court

G O No L 6345-7 Dy 10-4-1928.
passes orders that fines imposed in under prevention of Cruelty to am ~~be~~ credited to the Head Law & is correct & in order

Recd 5 28

G R. S. APP F III—1] 1927 8

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES

File No. 196-27

FILE HEADING

Fines levied in criminal courts under the Prevention of Cruelty to Animals Act

FROM

The Municipal Comm

C No. 3 - 147 Dated 9 2 28 Received 14 2 28

Diary No. 4013	Enclos. Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that all fines received by the Bench of Magistrates Court Bangalore city under the Prevention of Cruelty to Animals Act was being credited to Municipal funds under section 161 of the Municipal Regulation and that it is now reported that such fines are credited to Govt under the head "Law and Justice" and requests that a copy of the G.O. directing the change in the procedure may be sent

NOTES AND ORDERS.

Subd :

The claim to fines levied under the Prevention of Cruelty to Animals Act is based on G.O. no 6000-19/All 147-09-5 & 18 1-1911 Under that order only the fines and penalties levied by magistrates in prosecutions

NOTES—First Sheet.

General and Revenue Secretariat. File No 196 of 1927

Serial No.

A under Municipal regulations are to be credited. Hence the present procedure to credit the fines levied under the Prevention of Cruelty to Animals Act to the head "Law and Justice" seems to be correct. But the Municipal Commissioner states that such fines were being credited to the Municipality. The Dist Bangalore may be consulted.

15 & 28 2. A The G.O refers also to cases 'outside the Municipal Regulations'. If as stated in para 1 of the M Com^n letter fines realised by the Bench Court under the Prevention of Cruelty to Animals Act were being till now credited to municipal funds, the procedure was in accordance with the said G.O. It is not clear under what authority such fines are now being credited to Govt under Law & Justice. No such order has been passed in this Branch. The S.G. Branch may be consulted.

16/2 3. Prosecutions under the Regn. of Prevention of Cruelty to Animals are usually launched by the police and not under the directions of Municipal councils & the G.O. of 18-1-11 applies only to cases instituted by Municipal authorities. The L.S.G.

Note—Contn. sheet

WD 0524—5PB—60,000—2.3.27

6113 37258 3

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General and Revenue Secretariat. | File No 196 of 1927

Serial No.

Branch requires kindly state under what authority fines imposed on cases under the Regn. for prevention of cruelty to Animals were being credited to Muni. Fund formerly but are not credited to Muni. Fund now

17/2

L.S. for Branch)

4 The L.S. or Br. is not in possession of any information throwing light on the point in question

21/2 Br. Br.)

Secy. Fanders

5 Directed under the Municipal Regulation are one of the items specified in S 51 of that Regulation as constituting the Muni. Fund. Un. Gr. O. of 18-1 1911 referred to by the Comr. accordingly directs that such fines shall be credited to the Muni. Fund. It further directs that fines in cases outside the Muni. Regn. shall also be credited

NOTE—Contn. sheet

7/2

WD 0384—GPB—60,000—24-5-27

4013 4

App F III—2]

General and Revenue Secretariat. Mul File No 96 of 1927

Serial No

to the Muni. Fund if they are cases of public nuisance in which the Muni. Council may, under S 161 of the Muni. Regn., direct prosecution. The nuisances referred to in this section are apparently those made punishable under SS 127 to 131, 134, 136 to 138. Not all offences under the Pr. of Cr to Animals Regulation are even nuisances as defined in S-3(14) of the Muni. Regn nor are prosecutions under the Pr. of Cr to Animals Regn usually instituted by Municipal authorities. It is therefore not clear how the practice came into vogue of fines imposed in cases under the P.C.A. Regn being credited to the Muni. Fund. Apart from the G O referred to above, as the office notes (paras 2 & 4) go to show, there is no authority either for this practice or for its discontinuance. The Muni. Comr may therefore be informed that the G.O. to which he refers is in force & that Govt have no information about the practice of crediting to the Muni. Fund, on the authority of this G.O., fines imposed in cases under the P.C.A Regn

Secy)

M 7/3

NOTE—Contn. sheet

WD 0324—1PB—60,000—24-5-27

4013/P 37257 5

App F III—2]

General and Revenue Secretariat

File No 196 of 1927

Serial No

2

G O No 6000-19 M-L 247-09-5 dated 18th January 1911, authorises the credit to the Municipal Fund, of fines imposed in cases falling outside the Municipal Regulation in which the Municipal Council "may direct any prosecution for any public nuisance whatever"

The word "Public Nuisance" has not been defined in the Municipal Regulation, but it is defined in section 268 of the Indian Penal Code Under General clauses Regulation "Public Nuisance" shall mean a public nuisance as defined in the Indian Penal Code

Hence it is clear that the G O refers to fines imposed for offences punishable under I P C and not to fines imposed for offences punishable under Prevention of cruelty to Animals Regulation

The credit of fines imposed for offences under the latter Regulation is unauthorised and its discontinuance is perfectly in accordance with G O of 18th January 1911

Gen'l Sec'y with Comp 18

L R
20 3 25

Drafted with a draft GO for consideration. The order has perhaps to come from the L S Bro which added the GO 5 1911 2 [illegible]

NOTE—Contn sheet

37287 6

App. F III—2]

General and Revenue Secretariat

File No 196 of 1927

Serial No.

A draft in accordance with the opinion of the Law Secy. is sent for approval.

First Member
Law Secy

8216
4/4

37/3
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5/4

~~Draft covering letter to the Registrar of the Supt~~

Ch
9/4

1 L 4345-7 of 10/4/28.
Passed orders in the matter

B

NOTE—Contn. sheet.

WD [illegible]

No. C-8-147

OFFICE OF THE CITY MUNICIPAL COUNCIL,

Bangalore City, Dated 6th February 1928

From

T GOVINDA ROW, Esq.,
MUNICIPAL COMMISSIONER, CITY MUNICIPAL COUNCIL,
BANGALORE CITY

To

M MADHAVA RAO, Esq, B A, B L,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

Sir,

I have the honour to state that all fines realised by the Bench of Magistrate's court, Bangalore City, under the prevention of cruelty to Animals Act under Section 161 of the Municipal Regulation were being credited hitherto to Municipal funds as per G O No 6000-19/ M1 247-09-5 dated 8th June 1911

2 Now it is reported that such fines are being credited for the past few months to Government

G.R.S.-App. F VI G-2]

SUBJECT

Diary No. of letter replied to.

Sec ME
File No. 300-27
Serial No. 1

(A) General and revenue Secretariat

the ( ) 192

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 10 - 4 - 28

Signed by [illegible]

this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Read—

G.O. No 6000-19 / Mt 247-09-5 of 18 1 1921 authorising the credit to the Municipal Fund of fines imposed in cases falling within and outside the Municipal Regulation in which the Municipal Council may direct any prosecution for any public nuisance whatever.

Order Thereon—No.

2) Letter no C 3-1477 of 8 2 28 from the Municipal Commissioner, City Municipal Council, Bangalore City, stating that it is reported that fines imposed under different

of the cruelty to Animals Act are being credited to Govt under the head 'Law and Justice' and instead of to the Municipal Funds as hitherto and requesting that a copy of the GO if any directing a change in the procedure may kindly be sent

order L 6345-7/Dy 10-4-28

Under GO Dy 7 & 1-1911 read above, only fines imposed in cases falling outside the Municipal Regulation can be credited to Municipal funds if ~~such~~ they are cases ~~[illegible]~~ of ~~by the Municipal full under~~ Public Nuisance, the word 'Public Nuisance' has not been defined in the Municipal Regulation but has been defined in Indian Penal Code. Under general clause, Regulation 'Public Nuisance' shall mean a public Nuisance as defined in the Indian Penal Code. Hence the GO of 1911 ought to be construed as referring to fines imposed for offences

in which the Municipal Council may, under Sec 161 of the Mil Regn, direct prosecution

List of enclosure.

Copied by

Examined by

WD [illegible]—GPB—[illegible]

G R. S 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form.)

prosecutions under which are usually launched by the Police

punishable under the I.P.C and not to fines imposed for offences punishable under the Prevention of cruelty to Animals Act. Hence the procedure adopted in crediting ~~[illegible]~~ fines imposed in cases under the Prevention of cruelty to animals Act to the head Law and justice is correct & ~~[illegible]~~ in order & will be continued

20 ~~[illegible]~~ 21/3 Govt Secy to Govt

The Mil commissioner through the President & City Mil Council B'lore under act

" Dr Bangalore

" Regr Bhuey court under act with a covering letter copy to ~~[illegible]~~ Branch

B/
28/3/28
[illegible]

Proceedings of the Government of His Highness
the Maharaja of Mysore.

R e a d :-

Government Order No.6000-19/Ml.247-08-5 dated 18th January 1921 authorising the credit to the Municipal Fund, of fines imposed in cases falling in and outside the Municipal Regulation in which the Municipal Council may direct any prosecutions for any public nuisance whatever.

2. Letter No.C.3-147 dated 8th February 1928 from the Municipal Commissioner, City Municipal Council, Bangalore City, stating that it is reported that fines imposed under the Prevention of cruelty to Animals Act are being credited to Government under the head " Law and Justice " and instead of to the Municipal Funds as hitherto and requesting that a copy of the Government order if any directing a change in the procedure may kindly be sent.

Order No.L. 6845-7/ml 240-27-1

Dated, Bangalore, the 10th April 1928.

Under Government order dated 18th January 1921 read above, fines imposed in cases falling outside the Municipal Regulation can be credited to Municipal Funds if they are cases of Public Nuisance in which the Municipal Council may, under Section 161 of the Municipal Regulation, direct prosecution The word " Public Nuisance" has not been defined in the Municipal Regulation but has been defined in Indian Penal Code. Under general clauses Regulation " Public Nuisance " shall mean a public nuisance as defined in the Indian Penal Code. Hence the Government order of 1911 ought to be construed as referring to fines imposed for offences punishable under the Indian Penal Code and not to fines imposed for offences punishable under the " Prevention of Cruelty to animals Act --

7

prosecution under which are usually launched by the Police. Hence the procedure adopted in crediting fines imposed in cases under the Prevention of Cruelty to Animals Act to the head " Law and Justice " is correct and in order and will be continued.

For General Secretary to Government.

To

The Municipal Commissioner, Bangalore City through the President, City Municipal Council, Bangalore.
The District Magistrate, Bangalore.
The Registrar, Chief Court under cover with a covering letter

No. 8-